

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Defendants.

CASE NO. 2:13-cv-01866-JLR

[PROPOSED] ORDER

NOTE ON MOTION CALENDAR:
November 7, 2014

Having reviewed the pleadings and the administrative record in this case, it is hereby:

1. ORDERED that Plaintiff's Motion for Summary Judgment is GRANTED.
2. FURTHER ORDERED that the Court DECLARES that because of the arbitrary and capricious approval of Oregon and Washington's lists of impaired waters, and because of the failure to identify impaired waters due to ocean acidification, Defendants are in violation of their duties under the Clean Water Act, 33 U.S.C. § 1313(d).

1 3. FURTHER ORDERED that Defendants complete a new review of Oregon and
2 Washington's list of impaired waters and identify waters impaired by ocean acidification
3 consistent with the requirements of the Clean Water Act and implementing regulations within 30
4 days of the date of this order.

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6 IT IS SO ORDERED.

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10 Dated this _____ day of _____, 2014.

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13 _____
14 James L. Robart
15 United States District Judge
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22 Presented by: /s/ Emily Jeffers
23 Emily Jeffers

24 CENTER FOR BIOLOGICAL DIVERSITY
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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2014, I electronically filed Plaintiff Center for Biological Diversity's Proposed Order with the Clerk of the Court for the United States District Court – Western District of Washington by using the CM/ECF system. Participants in this case 2:13-cv-01866-JLR who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Emily Jeffers

Emily Jeffers